

REMARKS

Entry of the foregoing, reexamination and reconsideration of the subject application, as amended, pursuant to and consistent with 37 C.F.R. §1.112, are respectfully requested in light of the remarks which follow.

Claims 1, 3 and 5-16 are currently pending. Claims 17-33, 35, 36, and 38-57 stand withdrawn. Claims 11-14 are canceled herein without prejudice or disclaimer thereto. Applicants reserve the right to file at least one continuation application directed to any subject matter canceled herein.

Claims 5 and 15 are amended herein. Basis for these amendments may be found throughout the specification and claims as-filed, especially at page 4, first paragraph and page 8, line 32 to page 9, line 2. Thus, no new matter is submitted herewith.

Applicants note with appreciation that claims 1, 3, 6-10 and 16 are indicated as in condition for allowance.

Rejections under 35 USC § 112, second paragraph

Claims 5 and 15 stand rejected under 35 U.S.C. §112, second paragraph, as purportedly indefinite. The Office states that claim 5 is indefinite as it is purportedly unclear if the claim is drawn to an antibody wherein the 84% sequence identity corresponds to the CDR sequences.

Claim 5 is amended herein to clarify that the CDR sequences of the antibody of claim 5 are the same as those CDR sequences of claim 1. The "at least 84%" identity refers to corresponding sequences of human origin for the rest of the antibody sequences, *i.e.*, the entire light and heavy chain, but excluding the CDR sequences.

The Office states that claim 15 is indefinite for the recitation of "other binding structures". Claim 15 provides an antibody that is for use in a type of "competitive assay" used in competition studies. One antibody is labeled, and another one is not. Specifically, regarding the phrase "other binding structures having other binding specificities" as recited by the amended claim 15, Applicants note that this phrase refers to antibodies binding antigens, other than the antibody of the present invention and its antigen.

Claim Rejections under 35 U.S.C. §112, first paragraph

Claims 11-14 are rejected under 35 U.S.C. §112, first paragraph. Without acquiescing in the rejection, claims 11-14 are canceled herein without prejudice or disclaimer thereto.

CONCLUSION

In the event that there are any questions relating to this application, it would be appreciated if the Examiner would telephone the undersigned concerning such questions so that prosecution of this application may be expedited.

Respectfully submitted,

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Date: June 14, 2006

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